



**DEPARTMENT OF CORRECTIONS  
POLICIES AND PROCEDURES**

Policy No.: DOC 3.1.26	Subject: <b>POLYGRAPH TESTS FOR OFFENDERS</b>
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 2
Section 1: Security and Control	Revision Date:
Signature: /s/ by Director Day 9/3/97	Effective Date: Dec. 1, 1997

**I. POLICY:**

It is the policy of the Department of Corrections to cooperate with law enforcement agencies that require the administration of polygraph examinations to offenders when conducting criminal investigations or prosecutorial activities. Department responses to requests for polygraph examinations will be guided by state and federal statutes.

**II. AUTHORITY:**

53-1-203 MCA. Powers and Duties of Department of Corrections

**III. DEFINITIONS:**

None

**IV. PROCEDURES:**

**A. Approval of Polygraph Examinations**

The Warden/Superintendent/Program Manager shall be the approving authority for all polygraph examinations conducted on offenders in their facilities/programs. The facility/ program Chief of Security, or designee, shall assume the responsibility for arranging the time and location of authorized offender polygraph examinations.

**B. Location**

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Upon receipt of a written request from an authorized law enforcement agency, the Chief of Security, or designee, may arrange for a polygraph examination to be conducted in the facility/program. Examinations will be conducted at a mutually agreeable time and place on-premises, with staff supervision as required.

**C. Off-Site Polygraph Examinations**

With the approval of the Warden/Superintendent/Program Manager, offenders may be removed from the facility/program for polygraph examinations, pursuant to State statutes and regulations governing those activities. The Department will not provide escort services for such examinations, nor absorb any associated costs, unless approved in advance by the Warden/Superintendent/Program Manager.

**D. Offender Requests**

Offenders may make requests to take a polygraph examination through their attorney. These requests shall be limited to examinations needed to prepare a criminal defense. Prior to granting such requests, the facility/program will consult with Department legal staff and the prosecuting attorney's office. Written approval must be granted by both of these entities in order for approval of the request for a polygraph examination to be granted. All correspondence related to such requests will be placed in the offender's central file.

**E. Civil Cases**

Offenders will not be granted permission to submit to polygraph examinations in civil matters while in criminal custody. The Warden/Superintendent/Program Manager will, however, honor the order of a court of competent jurisdiction in granting such requests, after conferring with Department legal counsel.

**V. CLOSING:**

Questions concerning this policy shall be directed to the Department legal counsel.

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